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Chairman: Mr. MADEJ (Poland)
(Vice-Chairman)

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In the absence of Mr. Lamptey (Ghana), Mr. Madej (Poland), Vice-Chairman, took the Chair.

The meeting was called to order at 3.15 p.m.

AGENDA ITEM 140: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued) (A/49/33; A/C.6/49/L.3)

1. Mr. MAMEDIAROV (Azerbaijan) said that the in-depth discussions which had taken place in the Special Committee on the subject of the draft declaration on the enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security indicated that, the cold war having ended, there were new opportunities for the United Nations to become the main instrument for the peaceful settlement of disputes between States. United Nations peace-keeping forces were currently to be found at the four corners of the earth, and it was the United Nations which was requested to intervene each time a new "hot spot" appeared.

2. Nevertheless, in recent years, such destabilizing factors as the expression of territorial ambitions and the rapid expansion of nationalist organizations and separatist groups had multiplied. In that context, the regional organizations could provide useful assistance and complement United Nations efforts. Azerbaijan, which itself belonged to a number of regional organizations, was aware of the difficulties created not only by the division of responsibility between the United Nations and those organizations but also by their collaboration and the coordination of their activities. However, the regional organizations were part of the system of collective security provided for in the Charter, and when examining the question of their cooperation with the United Nations, it was appropriate to rely not only on the provisions of Chapter VIII, but also on those of Chapter VI and Chapter VII, which were relevant to the proposed declaration. All aspects of that cooperation should take place in strict conformity with the purposes and principles of the Charter, especially the principles of respect for the sovereignty and sovereign equality of all States, their territorial integrity and non-interference in their internal affairs. Peace-keeping operations could in no circumstances assume the character of an invasion or an intervention or take place without the agreement of the States concerned.

3. The Azerbaijani delegation agreed that relations between regional organizations, arrangements and agencies and the Security Council should be improved. The Council should be kept fully informed on a permanent basis of the measures taken or planned by the regional organizations and none of those measures should be implemented without its authorization.

4. Azerbaijan noted with regret that several Member States took no notice of General Assembly or Security Council resolutions. For several years the Republic of Armenia had been trying to dismember Azerbaijan in defiance of Security Council resolutions ordering it to respect the sovereignty and

territorial integrity of the Azerbaijani Republic and recalling the principles of the inviolability of international frontiers and the inadmissibility of the use of force in order to acquire territory. That cynical attitude demonstrated that the most severe sanctions should be adopted against Member States which did not implement United Nations resolutions. In that respect, working paper A/AC.182/L.79 on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter was particularly relevant. His delegation was of the opinion that providing such assistance would make the application of sanctions easier by reducing the risk that severely affected third States would shirk their responsibilities. It supported the idea of establishing a trust fund which would determine the level of assistance necessary for each particular case.

5. Mr. RIVERO (Cuba) said that the increasing interest shown by States in the work of the Special Committee would justify a review of the latter's composition. Cuba, which had always taken an active part in the work of the Special Committee, was hoping to become a full member.

6. His delegation was glad to note that agreement had been reached on the subject of the draft declaration on the enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security (A/AC.182/L.72/Rev.2), and was pleased to see that the principle of respect for sovereignty was established in that document.

7. Given that the matter of assistance to third States affected by the application of sanctions under Chapter VII of the Charter had still not been settled, his delegation hoped that the Special Committee would redouble its efforts to arrive at a fair solution to that sensitive problem.

8. The Committee should also have the opportunity to give due consideration to the revised version of the working paper submitted by Cuba entitled "Strengthening of the role of the United Nations in the maintenance of international peace and security". He therefore hoped that the draft resolution referring to the work of the Committee would include that question among the topics to be discussed as a matter of priority at the next session.

9. Mr. ORDZHONIKIDZE (Russian Federation) said that current positive world developments were being countered on the local and regional levels by conflicts which were caused by aggressive nationalism or religious and ethnic intolerance. The role of the United Nations in the maintenance of peace was growing and changing, hence the need for a rational division of labour between it and the regional organizations. The working paper submitted by the Russian Federation to the Special Committee, which had examined it over several years, dealt with precisely that question. At its 1994 session, the Special Committee had unanimously adopted the draft declaration on the enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security, established on the basis of the Russian proposal.

10. Compared to the initial draft, the version adopted by the Special Committee was more modest in its objectives and had a more limited scope. It generalized and to some extent developed current practice with regard to relations between the United Nations and regional organizations. Regional organizations were clearly eager to give concrete form to the potential embodied in the provisions of Chapter VIII of the Charter. That was particularly true of the Commonwealth of Independent States (CIS), a regional organization on whose territory peace-keeping operations were currently being carried out in full cooperation with the United Nations. The Russian Federation would welcome even more active support, in particular from the United Nations, for efforts to settle crises and maintain stability in the CIS region. That was a matter of interest not only to the Russian Federation, which bore the main burden of the peace-keeping operations, but also to the countries directly affected by the conflicts and, naturally, the entire international community.

11. The question of enhancing cooperation between the United Nations and regional organizations could not be resolved simply by adopting a declaration. Representatives of regional organizations who had met with the Secretary-General in New York in August 1994 believed that such contacts should be held regularly, and they had made some concrete proposals in that regard. Like many other States, the Russian Federation was convinced that it would be useful to consider ways and means of carrying out such cooperation. It proposed that the Special Committee should not conclude its work on the matter but should continue it in a more concrete form. The Secretary-General might be requested to prepare and present to the Special Committee at its next session a report on the growth of cooperation between the United Nations and regional organizations and his observations on the forms and methods of its development. The Special Committee would be able to express its views on the measures taken by drafting a "follow-up" declaration, which his delegation hoped would be adopted by consensus.

12. His delegation was closely following the consideration of the problem of the adverse economic effects on third States owing to the application of sanctions by the Security Council. In some States, those effects were being felt at the macroeconomic level. His country, which had itself suffered from substantial economic losses as a result of having applied sanctions, believed that it was important to clarify the process of applying Article 50 of the Charter and to find a speedy, universally acceptable solution to the problem. Without prejudice to the effectiveness of measures taken by the United Nations, such a solution would reduce to a minimum any adverse economic consequences of sanctions for Member States which were scrupulously fulfilling their commitments in the areas of the maintenance of international peace and security.

13. With regard to the proposed United Nations model rules for the conciliation of disputes between States, it was his view that the Special Committee could devote time at its next session to concluding its consideration of that matter.

14. The Special Committee could and should play an essential role in improving the effectiveness of the United Nations. It was within the Organization that the most interesting proposals were being made about various ways in which its

activities might be improved. Many of those proposals merited careful consideration. The potential of the Charter must be fully exploited, and proposals which had thus far remained dead letters should be revitalized, in particular those relating to Article 43 of the Charter. The Russian Federation was prepared to conclude an agreement which would provide a contingent of Russian troops to United Nations peace-keeping operations. Like other States, it was ready to give concrete form to the idea of a United Nations stand-by force. The Military Staff Committee, which thus far only had a formal existence, should be reactivated.

15. In developing new strategies for the maintenance and re-establishment of peace, it was important to find a balance between making the needed reforms and preserving mechanisms which had demonstrated their effectiveness. The Special Committee must contribute to that effort, not by dismantling United Nations structures and revising the Charter, but by supporting the proven method of adapting the Charter to new realities by updating the manner in which its provisions were applied.

16. Ms. LINEHAN (Australia) said that while it was not a member of the Special Committee, Australia took a close interest in its work, including its efforts to enhance cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security. Enhancing that cooperation was clearly desirable. The nature of the cooperation would vary depending on the capacity of the regional agency concerned and the particular characteristics of the conflict, and for that reason guidelines for cooperation must be flexible enough to adapt to that changing context. Such cooperation must also be fully consistent with the Charter. In that regard, her delegation welcomed the adoption by the Special Committee of the draft declaration.

17. Australia would be elaborating a draft resolution on preventive diplomacy which it would submit to the plenary meeting of the General Assembly. The text, which would be a useful complement to the Special Committee's draft declaration, would endeavour to emphasize the integration of pre-conflict and post-conflict peace-building activities throughout the United Nations system; explore means to establish regional peace and security centres in cooperation with regional arrangements or agencies to complement regional security arrangements and facilitate the peaceful settlement of disputes; and encourage regional agencies to provide early warning information to the Secretary-General. The draft resolution would also encourage Member States to make greater use of the International Court of Justice for the peaceful settlement of disputes. In addition, the promotion of a dispute resolution facility within the Secretariat would be advocated.

18. With regard to the Committee's work on the application of Article 50 of the Charter, Australia recognized the need to assist third States affected by the application of sanctions under Chapter VII. In the context of the Decade of International Law, Australia was examining, in collaboration with the Netherlands, the general question of sanctions. The work would be focused on examining the need for precise and realistic goal-setting in the development of sanctions; the operation of sanctions in practice, including monitoring and

enforcement; reporting systems and the role of sanctions committees; problems of implementation; and ways to lessen the impact of sanctions on third States. With regard to the final point, there was clearly a need, for the sake of fairness, to find better responses. Sanctions should be targeted more carefully and appropriate arrangements should be made for financial assistance. Her delegation looked forward to the Secretary-General's report on the way in which sanctions were affecting third States. It hoped that the Secretary-General might draw on the work it was proposing to undertake with the Netherlands. It might be useful for the Special Committee to hold a more general discussion on sanctions along those lines.

19. Her delegation was grateful to the Special Committee for its work on the future composition of the Security Council. Like other delegations, it was not in favour of duplicating the work currently being done by the Open-Ended Working Group on the Equitable Representation on and Increase in Membership of the Security Council.

20. Her country urged that consideration should be given to expanding the membership of the Special Committee. It was perhaps time to transform it into a committee of the whole.

21. Mr. VANHARA (Czech Republic) said that he shared the opinion of those delegations which had pointed out that the primary task of regional arrangements and agencies should be to seek a peaceful settlement of international disputes within the scope of Chapter VI of the Charter. The specific methods of peaceful settlement of local disputes worked out by various regional organizations, which were more attuned to regional customs and realities, should be applied more often by States. The role of such organizations was particularly relevant in the sphere of preventive diplomacy. The United Nations could benefit from their experience in attempting to settle conflicts at an early stage through early-warning mechanisms. Subject to the application of Chapter VII, the sovereignty and territorial integrity of the States concerned must, in all cases, be respected. Any measure taken under Chapter VI or Article 52 of Chapter VIII must have the express consent of the States concerned. With regard to the application of Chapter VII, regional arrangements should play a role complementary to that of the Security Council as provided for in Article 24. Regional arrangements must be chosen for such cooperation in accordance with their competence, as defined in their statutes, as well as their capacity for action.

22. With regard to traditional peace-keeping operations, the United Nations should confine itself to well-known practices and should cooperate with regional organizations only when strict neutrality and impartiality towards the parties to the conflict was guaranteed. A broader application of Chapter VIII was desirable. As the United Nations was called upon to deal with numerous conflicts around the world with limited resources, the adoption by the General Assembly of the draft declaration on the enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security should significantly lighten the Organization's current burden. His delegation strongly supported the development of a handbook

on the subject and the holding of a seminar in order to sort out the various complex aspects of cooperation between the United Nations and regional organizations.

23. The Czech Republic was very interested in the question of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII. Among the various proposals contained in working paper A/AC.182/L.79, the idea of establishing a trust fund did not appear to be appropriate, as it was difficult to believe that the United Nations could resolve the difficulties experienced by affected States through such a fund, especially in view of the Organization's current financial difficulties. The practice of the Security Council showed that each sanctions regime must be assessed on a case-by-case basis. It would be too idealistic to look for a universal solution. The current practice with regard to the application of Article 50 should be evaluated; his delegation strongly supported the recommendation of the Special Committee that the Secretary-General should be invited to submit a report on the question.

24. The Czech delegation hoped that the proposed United Nations Model Rules for the Conciliation of Disputes between States would be transformed into its final version during the next session of the Special Committee. Moreover, his delegation shared the view of those delegations which had maintained that the question of the expansion of the membership of the Security Council should be discussed within the Open-ended Working Group established for that purpose by the General Assembly. Further consideration of the issue by the Special Committee would lead to a duplication of efforts. However, the Czech Republic wished to point out that it supported the views expressed during the general debate in the General Assembly that those provisions of the Charter which were obsolete and did not reflect contemporary realities should be amended. That was particularly true of the provisions of Articles 53 and 107 containing the so-called "enemy States" clauses. In that connection, there was a discrepancy between the universal character of the Organization and the current text of the Charter.

25. Mr. FULCI (Italy) welcomed the adoption by the Special Committee of the draft declaration on the enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security (A/AC.182/L.72/Rev.2), especially since recent international events had shown the need to strengthen such cooperation, while preserving sufficient flexibility to take specific situations into account.

26. The Special Committee, which had already made good progress in analysing the question of assistance to third States affected by the application of sanctions under Chapter VII of the Charter, should be able to find an adequate and equitable solution to that question.

27. His delegation welcomed with satisfaction two documents which were timely in the context of the United Nations Decade of International Law, namely, the proposed United Nations Model Rules for the Conciliation of Disputes between States (A/AC.182/L.75/Rev.1) submitted by Guatemala, and the proposal submitted

by Sierra Leone, entitled "Establishment of a Dispute Settlement Service offering or responding with its services early in disputes" (A/48/398, annex).

28. With regard to the question of the role, composition and functioning of the Security Council, Italy had submitted to the Working Group established by General Assembly resolution 48/26 a proposal focused not only on the expansion of the Council's membership with a view to satisfying the requirements of equitable geographical distribution, but also on considering other aspects of the reform of that body, especially the relationship between the Security Council and the General Assembly, the need to consult troop-contributing countries which were not members of the Council, and transparency in the work of the Council.

29. His delegation supported the proposal by Poland that the so-called "enemy States" clauses contained in Articles 107 and 53 of the Charter, which had never been invoked and which had become totally obsolete, should be deleted.

30. Mrs. FLORES (Uruguay) said that the growing number of sanctions imposed under Chapter VII of the Charter and the growing economic interdependence of States only added greater weight to the proposals contained in working paper A/AC.182/L.79 concerning assistance to third States affected by the application of sanctions under Chapter VII. In view of the gaps in the practice followed to date, which was based on a case-by-case approach likely to lead to ambiguities and unequal treatment, it seemed appropriate to adopt uniform criteria in that regard and to establish a permanent mechanism. That would make it possible to respond rapidly to requests for assistance, taking into account the obligation which Members of the United Nations assumed under Article 49 of the Charter to afford "mutual assistance in carrying out the measures decided upon by the Security Council". While it had not been possible to reach a consensus on the above-mentioned working paper, her delegation hoped that the next session of the Special Committee would be marked by a spirit of flexibility and receptiveness conducive to the finalization of a compromise solution.

31. Her delegation attached special importance to the question of the enhancement of cooperation between the United Nations and regional arrangements or agencies at a time when regional conflicts were multiplying. Accordingly, it welcomed the adoption by the Special Committee of the draft declaration contained in working paper A/AC.182/L.72/Rev.2. In view of the important role assigned to the Special Committee, the increase in the number of Members of the Organization and the growing interest which States not members of the Special Committee showed in participating in its work, Uruguay believed that the Special Committee should be an open-ended body.

32. Mr. EPOTE (Cameroon) said that the documents prepared by the Special Committee were more like interpretations of the provisions of the Charter, while in the case of other issues that implied a review of the Charter, the Special Committee appeared to be at a standstill and incapable of playing its proper role, that of rethinking the Organization's structures and methods of action in order to enhance its efficiency and enable it better to respond to the ever-growing expectations of the international community.

33. His delegation regretted that the document submitted by Cuba on the enhancement of the Organization's role, which contained a number of proposals whose purpose was to democratize the Security Council, had not been given due attention. Reform of the Council should not be restricted merely to expanding its membership, but should also make it possible to revitalize the spirit that had inspired the decision to endow its members with considerable authority for the maintenance of international peace and security.

34. Regarding cooperation between the United Nations and regional arrangements or agencies, his delegation welcomed the adoption by the Special Committee of the draft Declaration contained in document A/AC.182/L.72/Rev.2 which, while emphasizing the primary responsibility of the Security Council for the maintenance of international peace and security, recognized the importance of regional arrangements and agencies in preventive diplomacy. His delegation had no qualms at supporting a project containing recommendations to which Cameroon subscribed in the regional sphere, as it had acceded to the conflict management and settlement machinery set up by the 29th summit of the Organization of African Unity and was a member of the Standing Advisory Committee on Security Questions in Central Africa, set up by the United Nations in 1992.

35. His delegation hoped that at its 1995 session the Special Committee would complete its work on the draft United Nations Model Rules for the Conciliation of Disputes between States, submitted by Guatemala (A/AC.182/L.75/Rev.1) and pursue its consideration of the proposal by Sierra Leone entitled "Establishment of a Dispute Settlement Service offering or responding with its services early in disputes" (see A/48/398, annex).

36. His delegation hoped that the new report which the Special Committee had requested the Secretary-General to submit to it at its 1995 session would help to end the deadlock which, since 1992, had affected the Committee's consideration of the proposal contained in working paper A/AC.182/L.79 on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter.

37. Mrs. SAEKI (Japan) said that the major organs of the United Nations, such as the General Assembly and the Security Council, were engaged, with the active support of their members and of the Secretariat, in the enormous task of dealing with the great uncertainty of the post-cold-war world. While political will was absolutely essential, it was not enough: an effective and efficient mechanism for strengthening the structural capacity of the Organization to adapt to the reality of the changing world was also necessary. In that respect, the task entrusted to the Special Committee was crucial.

38. The end of the cold war had changed not only the United Nations but the role and functions of the regional organizations. With ideological dogmatism on the wane and regional and local instability increasing, regional arrangements could quickly produce realistic and flexible partners for the United Nations in the peaceful settlement of disputes, preventive diplomacy, peacemaking, peace-keeping and post-conflict peace-building, where the disputes or conflicts

involved delicate and complex local issues. There had already been several instances in which regional organizations had played a valuable role in resolving regional conflicts by assisting the Security Council.

39. Her delegation was confident that regional arrangements could play a positive role and welcomed the completion of work on the draft Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security. It especially appreciated the fact that the draft Declaration emphasized the importance of complementarity, asserted that primary responsibility in matters pertaining to the maintenance of peace and security rested with the Security Council and highlighted the need for flexibility and responsiveness to the specific situation and specific mandate of each regional arrangement.

40. The Special Committee had also considered the question of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter. It was quite obvious, in the light of the increasing interdependence of the world, that the question of the special economic problems of third countries arising from the implementation of sanctions was becoming more and more serious. Japan was fully aware of those difficulties and had provided various forms of assistance to those countries. Her delegation believed that a number of points should be borne in mind when taking whatever measures were deemed necessary.

41. First of all, the measures implemented should be extremely flexible and formulated in response to specific conditions if they were to be carried out swiftly and effectively. It was of the utmost importance to affected countries that the approach taken by donors should be realistic, practical and well coordinated. Secondly, as most of the countries affected were developing countries and recipients of development assistance, it was desirable to utilize the experience and know-how accumulated by donors, international financial institutions and other development agencies. Only by drawing on their expertise and coordinating efforts with those institutions and agencies would it be possible to integrate relief measures properly into the overall development policies of the countries concerned and to achieve cost-effectiveness. Thirdly, careful consideration must be given to the appropriate role to be played by the United Nations, and especially the Security Council, in order to avoid duplication of work and adverse effects on the functioning of the Organization's bodies. In the view of her delegation, the most appropriate role for the United Nations to play was in organizing and conducting informal consultations.

42. For all those reasons, her delegation seriously doubted the effectiveness of an independent trust fund. It also believed that any consultative mechanism that was established should be flexible, and not permanent and institutionalized. It hoped that the Committee would continue to discuss the matter and make every effort to produce a more broadly acceptable formula.

43. Her delegation expressed its sincere appreciation for the work done by the Special Committee, and especially by the delegation of Guatemala, on the draft

United Nations Model Rules for the Conciliation of Disputes between States, a task that should soon be completed. As for the future agenda of the Special Committee, several delegations had made useful proposals. Her delegation stressed the need to address only those issues that fell within the purview of the Special Committee, and in such a manner as not to duplicate the work being done by other organs or groups within the Organization.

44. Mr. AYEWAH (Nigeria) observed that the end of the cold war had brought in its wake a new global configuration and an accompanying change in the United Nations political agenda. It had also brought an increase in the workload of the United Nations with regard to the maintenance of international peace and security. In order to discharge its functions effectively, the Organization would have to undergo reforms to adapt itself to current realities. The effectiveness of the Organization as an instrument of collective security in the decades ahead would depend on such reform. In that connection, the tone had already been set by the Secretary-General in "An Agenda for Peace". The gains must now be consolidated by the prompt restructuring of the organs of the United Nations, especially since the General Assembly itself had witnessed unprecedented growth as a result of global changes. The Security Council, the main organ responsible for the maintenance of international peace and security, must also respond to the dynamics of change. It must seek to be democratic, transparent and representative of the entire membership of the United Nations. The views of his delegation on the reform of the United Nations had already been expressed both in the Sixth Committee and before the plenary Assembly. The question should be considered by the Special Committee in coordination with the Ad Hoc Working Group created by the General Assembly for that purpose.

45. Concerning cooperation between the United Nations and regional organizations in the maintenance of international peace and security, he said that the United Nations must retain primary responsibility, but cooperation between the United Nations and the regional organizations should evolve in a symbiotic relationship wherein the United Nations would pool resources with regional organizations to respond to the multiplicity of conflicts around the globe. In that regard, his delegation applauded the Special Committee's remarkable achievement in adopting a draft declaration on the enhancement of cooperation between the United Nations and regional arrangements or agencies. It undoubtedly constituted an important contribution to the enhancement of the role of the United Nations in preventive diplomacy, conflict resolution, peacemaking and peace-building. His delegation fully supported the provisions of the draft declaration, which was premised on the Charter of the United Nations, particularly Chapter VII, and the mandates of the regional organizations. Indeed, some of its essential provisions were already being put into effect by the Organization of African Unity (OAU), which had set up a central mechanism for conflict prevention, resolution and management.

46. On the question of assistance to third States affected by the application of sanctions under chapter VII of the Charter of the United Nations, differences of opinion should not be allowed to obscure the importance of the issue and the need for it to be addressed in the Special Committee. It was time that workable solutions were found to prevent States from falling victim through no fault of

their own. In that regard, his delegation called on States which had difficulties with the initiative to reconsider their position so that a mechanism for assistance to third States affected by the imposition of sanctions, including a trust fund, could be established.

47. His delegation also applauded the progress made on the proposed United Nations Model Rules for the Conciliation of Disputes between States. It hoped that consideration of the text would be completed rapidly, and that the same would be true for the proposals submitted by Sierra Leone entitled "Establishment of a Dispute Settlement Service offering or responding with its services early in disputes". His delegation also welcomed the other suggestions that had been made concerning the Special Committee's future programme of work.

48. Mr. POSTICA (Romania) said that a new kind of cooperation was developing between the United Nations and the regional organizations. The latter was increasingly called upon to exercise peace-keeping functions at their level or to support or complement the actions taken by the United Nations in the area of collective security. In that regard, the Western European Union (WEU) was in the process of defining its role in peace-keeping operations, and the North Atlantic Treaty Organization (NATO) and the Conference on Security and Cooperation in Europe (CSCE) were taking similar steps. Against that background the articles prepared on the basis of the revised Russian working paper on the enhancement of cooperation between the United Nations and regional arrangements or agencies, which were reproduced in paragraph 89 of the report of the Special Committee (A/49/33), were especially relevant. Like other countries, Romania felt that the United Nations should be able to count on increased peace-keeping support from the regional organizations. Nevertheless, while applauding the completion of the work on the document, his delegation felt that there were some essential points that should not be overlooked.

49. First, any activities that regional organizations undertook or might undertake, the nature of which must be consistent with Chapter VIII of the Charter, should be subject to the oversight of the Security Council, in accordance with Article 54 of the Charter. Second, no enforcement action should be taken by the regional organizations without the prior authorization of the Security Council in accordance with Article 53, paragraph 1, of the Charter. Those two points must be reflected in any document that might be adopted, and he noted with satisfaction that the delegation of the Russian Federation, when revising its initial proposal, had taken into account some of the observations made on the subject.

50. The question of assistance to third States affected by the application of sanctions under Chapter VII of the Charter was an important one that had been dealt with in a working paper (A/AC.182/L.79) submitted by Uruguay and a group of countries members of the Special Committee, including Romania. In the Yugoslav crisis, Romania had strictly applied the sanctions imposed by the Security Council, and it had taken a similar position during the crisis in the Gulf, despite considerable detriment to its economy. It felt that it would be, to say the least, anomalous to institutionalize de facto a situation in which those who scrupulously observed international law were to suffer both

financially and materially as a result of the breach by others of principles and norms unanimously accepted and recognized by the international community. It was certainly encouraging that the international community and the Security Council had shown an awareness of the difficulties of the countries so affected, in keeping with the spirit of Article 50 of the Charter of the United Nations. However, in view of the growing number of sanctions measures adopted by the Security Council, and the effect they had had on third countries, the problem was one of the most important on the agenda of the Special Committee. Given that Article 50 of the Charter did not provide for the automatic rendering of assistance, it was imperative that, with a view to finding adequate solutions to assist the countries most seriously affected, systematic measures should be adopted.

51. As one of the sponsors of the above-mentioned document, his delegation was pleased that the informal consultations that had taken place between interested delegations at the 1993 session of the Special Committee had resulted in a consolidation of the two working papers previously submitted. Following the highly constructive debates held both in the Special Committee and in other forums, his delegation awaited with deep interest the report that the Secretary-General had been asked to prepare.

52. The question of improving the effectiveness of the Security Council in the maintenance of international peace and security assumed special importance in the light of the increase in the membership of the General Assembly and its implications for the representativeness of the Security Council. His delegation was in favour of enhancing the effectiveness and legitimacy of the Council, so that its decisions would be better implemented and less suspected of partiality. It supported enlarging the Council by the addition of new members, both permanent and non-permanent. In that regard, the desires of Germany and Japan to occupy permanent seats on the Council should be accommodated. It felt, however, that the developing countries should by no means find themselves marginalized as a result of the reform.

53. With regard to the proposed United Nations Model Rules for the Conciliation of Disputes between States as prepared by Guatemala, it was to be hoped that the Special Committee could make further progress in considering that document at its next session. Finally, with regard to the future work of the Committee, his delegation supported the proposal made by Poland in document A/C.6/49/L.3 relating to the elimination of the "enemy State" clauses in the Charter. Such clauses had become anachronistic, because the system of discrimination established in the Charter by Article 53 and Article 107 with regard to "enemy States" should lose its force by virtue of Article 1, paragraph 1, and Article 2, paragraphs 3 and 4.

54. Mr. ALARABI (Egypt) said that the successive rapid upheavals that had recently taken place in the world had altered the rules and parameters according to which international relations had been defined for over 50 years and major change was therefore required. International relations were governed by rules which should be stable and lasting if the climate was to be conducive to the maintenance of peace and security, to progress and to a guarantee of universal

well-being. Rapid changes in those rules would therefore risk destabilizing the international order for a time. On the other hand, if it was to be lasting yet not too rigid, the international order should reflect the state of the world which it was supposed to govern and should adapt to the development of the international situation. Such efforts to adapt should, of course, be reflected in the working methods of the United Nations, particularly those of the General Assembly, the body dealing with all issues of concern to the Organization, and those of the Security Council, which had the primary responsibility for maintaining international peace and security. In that regard, the Special Committee had an important part to play and could contribute decisively to reforms aimed at improving the functioning of the Organization; although a start had been made, the reforms remained partial and incomplete.

55. Cooperation should also be strengthened between the General Assembly and the Security Council. To that end, the Secretary-General should be authorized to inform the General Assembly of all the activities of the Security Council, while the Assembly should be authorized to exercise effective and direct control over those activities.

56. On the other hand, his delegation would be in favour of enlarging the Security Council in such a way as to take due account of the following criteria, some of which appeared in Article 23, paragraph 1, of the Charter: the member's contribution to the maintenance of international peace and security, respect for the purposes and principles of the Charter, participation in peace-keeping operations, and equitable geographical distribution.

57. There had been a large increase in regional conflicts, which tended to be prolonged indefinitely, despite representations by the Security Council, resolutions adopted by it in application of Chapter VII of the Charter and the deployment of international forces in the regions concerned. In such a situation, questions arose; in particular, it might be wondered whether confidence in the role that the United Nations could play in the settlement of regional conflicts had not been eroded. The restructuring of the Security Council should therefore include not only its expansion, but also an improvement of its working methods. In particular, efforts should be made to define the criteria whereby a clear distinction could be made between procedural matters and substantive issues, its provisional rules of procedure could be replaced by permanent rules and wider participation could be ensured in the informal consultations which the Council traditionally held before adopting resolutions concerning the dispatch of contingents to various parts of the world.

58. With regard to the right of veto, he recalled that in 1981 his delegation had, on behalf of non-aligned countries of the Special Committee, submitted a working paper (A/AC.182/WG.50), proposing an enhancement of the Security Council's capacity to carry out its responsibilities with regard to the maintenance of international peace and security. He suggested that the Committee should reconsider the issue at the current session.

59. The report of the Special Committee showed that significant, if limited, progress had been made and in particular that a consensus had emerged with

regard to the draft declaration on the enhancement of cooperation between the United Nations and regional organizations in the maintenance of international peace and security, submitted by the Russian Federation. In that regard his delegation considered that the proposals contained in the declaration were important, since they would tend to enhance the role of regional organizations and to link them more closely with the activities of the United Nations by involving them not only in the implementation of resolutions adopted by the United Nations, but also in the informal consultations preceding the adoption of such resolutions.

60. With regard to the peaceful settlement of disputes, he thanked the Guatemalan delegation for having revised the document relating to the United Nations Model Rules for the Conciliation of Disputes between States, submitted by it and approved by the Special Committee.

61. He noted that the Special Committee had still not managed to reach agreement on how to apply Article 50 of the Charter regarding the economic problems suffered by some States as a result of the implementation of Security Council resolutions, although more and more States had experienced such problems, and all the other articles of Chapter VII of the Charter had been implemented. His delegation had supported a considerable number of the solutions proposed to remedy the problem, which included the possibility of devising a structure within which the Security Council and States which might be affected by the application of sanctions could consult together before the imposition of such sanctions; compensation for countries affected by the application of sanctions; sharing the costs of the collective security system; and the creation of a trust fund to assist States facing particularly serious economic difficulties. The need to start applying Article 50 of the Charter had become urgent, since some States affected by the application of economic sanctions were in danger of no longer being able to meet their obligations.

62. The Special Committee had from the outset sought to improve the functioning of the United Nations and had examined proposals to that end submitted by Member States. None of those proposals, however, related to amendments to the Charter, even though in 1969 it had been planned to give the Committee broader terms of reference by entrusting it with the task of examining proposals relating to the review and amendment of the Charter. Those terms of reference were in conformity with the spirit of Article 109 of the Charter, which provided for the convening of a General Conference of the Members of the United Nations for the purpose of reviewing the Charter and stipulated that if such a conference had not been held before the tenth annual session of the General Assembly following the coming into force of the Charter a proposal to call such a conference should be placed on the agenda of that session. His delegation therefore considered it desirable, bearing in mind the numerous changes that had taken place in recent years, to review the Special Committee's terms of reference so as to authorize it to make amendments to the Charter (such as the abolition of the Trusteeship Council) which could take account of the development of the situation. Lastly, it also considered that the time had come to study the proposal by the Polish delegation that the term "enemy State", which was used in several parts of the Charter, should be deleted.

63. Mr. BANSAL (India) said that perhaps the most significant outcome of the work of the Special Committee at its twentieth session was the finalization of the draft declaration on the enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security. If adopted by the General Assembly, that declaration would amplify the provisions of Chapter VIII of the United Nations Charter, since it represented a careful balance that ensured consistency with the principles of the Charter. It was essential that that aspect be borne in mind in the application of the declaration.

64. The Special Committee had also considered an item which was of particular importance to his delegation, mainly the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter. It was to be hoped that the report analysing the proposals and suggestions made during the Special Committee's consideration of the issue at its twentieth session which the Secretary-General had been invited to submit would provide the basis for a meaningful exchange of views at the next session of the Special Committee. The objective was to operationalize Article 50 of the Charter through the early establishment of an appropriate mechanism under the auspices of the Security Council so that, following the imposition of sanctions, third countries that were affected would be automatically assured of receiving equitable assistance to mitigate the special economic problems arising out of such sanctions.

65. With regard to the proposed United Nations model rules for the conciliation of disputes between States, the informal summary of the discussion which the Secretariat intended to make available to delegations would provide a useful point of reference and would enable the discussion to proceed in an organized manner. In the view of his delegation, the proposed model rules deserved thorough and comprehensive consideration, keeping in mind the paramount principle of prior consent of the parties concerned at all stages of the conciliation proceedings. The model rules should also be flexible.

66. In recent years, the codification of international law had proceeded at a rapid pace. Furthermore, many sections of the international legal order were undergoing major transformation and new rules and practices were emerging. While that was an area of concern for all countries, it was of particular concern to non-aligned and developing countries. It was perhaps time for the Special Committee to take comprehensive stock of the ongoing activities for the codification of international law and changes in that law in different spheres. Such an exercise would be consistent with the Special Committee's mandate, which included the promotion of the rules of international law in relations between States.

67. Mr. MAXIMOV (Bulgaria) said that while the current changes in international relations offered new challenges and problems to the United Nations, they also provided an unprecedented opportunity for the United Nations to become an effective forum for settling the regional conflicts which posed a threat to international peace and security. At a time when a number of areas of activity of the United Nations, and, more specifically, the social and economic sector,

were undergoing a period of restructuring and revitalization, the Special Committee was becoming increasingly important.

68. An important achievement was the elaboration of the draft declaration on the enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security. Bulgaria supported that draft declaration, which should be adopted by consensus. It was a balanced document which outlined the framework of cooperation in accordance with the basic principles of the Charter and, more specifically, Chapter VIII. The activities of the United Nations and regional organizations should complement each other on the basis of a flexible mechanism of cooperation which, on the one hand, would help avoid unnecessary duplication and, on the other, would take into account the variety and independence of the regional organizations. At the same time, along with the legal aspects of the cooperation between the United Nations and the regional organizations, some practical issues should also be addressed. In that connection, the proposal put forward by some delegations for the issue of a handbook and for the organization of a seminar was very useful.

69. Bulgaria attached particular importance to the Special Committee's work on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter because it was suffering serious economic losses as a result of the strict implementation of the sanctions against Iraq, the Libyan Arab Jamahiriya and, especially, the Federal Republic of Yugoslavia (Serbia and Montenegro). Measured against the economic potential of Bulgaria, the losses were enormous. Apart from the economic implications of the sanctions, their negative impact had had a devastating impact on the political and social stability of Bulgaria. The burden of the sanctions exceeded the reasonable point of economic and social tolerance in Bulgaria, given the lack of adequate financial, economic and trade assistance. The international community must speed up the process of elaborating a mechanism for assisting countries confronted with special economic problems as a result of sanctions. The discussion held in the Special Committee had shown that most countries shared that view. The merging of the two working documents on the issue into a single consolidated draft (A/AC.182/L.79), of which Bulgaria was a sponsor, had been a positive development, and although the document had not gained universal approval, broad agreement had emerged on a number of aspects and ideas contained in it. The search for pragmatic and viable solutions should continue in order to reach a consensus on each specific measure for assisting the affected countries.

70. Bulgaria believed that the countries which carried the burden of the implementation of sanctions should be able to rely on specific resources to ease the negative impact on their economies. In that connection, the participation of the international financial institutions in providing assistance was of considerable importance. The establishment of a special facility or a more active utilization of the Compensatory and Contingency Financing Facility of IMF was a chance for general agreement to be reached in that respect. Various other proposals also deserved careful attention. It could be useful, in particular,

to hold consultations with donor States, promote exports and foreign investment and provide trade preferences on a bilateral basis.

71. Bulgaria was one of the countries which believed that the Security Council should hold preliminary consultations with the countries which were likely to be most seriously affected by the implementation of sanctions. That would help the Security Council gain a fuller understanding of the possible negative impact which such sanctions could have for third countries. It was gratifying, in that respect, that the proposal that the General Assembly should invite the Secretary-General to submit to the Special Committee, at its 1995 session, a report on the implementation of Article 50 of the United Nations Charter, had been accepted. At that time, the Secretary-General should pay special attention to the ways and means of the practical implementation of each proposal. Furthermore, in view of the growing number of countries affected by sanctions, it was no longer possible to search for solutions on a case-by-case basis. Success in addressing the issue would determine the extent to which the United Nations would be effective in maintaining international peace and security. The Special Committee should therefore consider that issue on a priority basis at its session in 1995.

72. As to the United Nations Model Rules for the Conciliation of Disputes between States, it should be possible for the Special Committee to adopt them at its next session; that would represent yet another successful contribution to the development of the existing system of the peaceful settlement of disputes. Bulgaria also supported the proposal made by the Polish delegation for the deletion from the Charter of the clause referring to "enemy States", which was no longer of any relevance.

73. Mr. YOUSIF (Sudan) said that the working paper on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter (A/49/33, chap. III, sect. A) was of particular importance in view of the frequency with which the Security Council imposed sanctions. Under Article 49 of the Charter, all Member States of the Organization were under the obligation to join in affording mutual assistance to third States affected by the application of sanctions. His delegation urged the Special Committee to consider further the proposals it had already made; even if such proposals had not enjoyed the expected consensus, they were in line with the consultations provided for under Article 50 of the Charter. The Security Council should discontinue its practice of considering the situation of third States on a case-by-case basis; it must establish a permanent mechanism to provide an adequate response to requests for assistance made under Article 50. His delegation proposed, inter alia, recommending the granting by international and private financial institutions of special attention to requests made by third States affected by sanctions; promoting the exports of such countries and removing all obstacles that might hamper them; urging States which had the wherewithal to provide access to their external aid programmes to third countries affected by sanctions; granting bilateral economic and financial facilities to such countries; cancelling the debt and debt servicing in order to alleviate the effects of the application of sanctions; and finally, requesting

the Secretary-General to submit an annual report reviewing the implementation of the above-mentioned mechanism.

74. The proposals of Guatemala and Sierra Leone (A/49/33, Chap. IV, sect. A and B) filled a wide gap in the area of the peaceful settlement of disputes between States. His delegation hoped that the Special Committee would continue its consideration of the Guatemalan proposal at its 1995 session. As for Sierra Leone's proposal, it provided a substantial contribution to the United Nations Decade of International Law. He hoped that the Special Committee would give the proposal the attention it deserved.

75. Finally, his delegation welcomed the draft resolution submitted by Poland (A/C.6/49/L.3), with a view to the deletion of the so-called "enemy State" clauses of the Charter. Such clauses were now obsolete and the Special Committee should pave the way for the convening, under Article 109 of the Charter, of a conference to consider the question of their deletion. His delegation hoped that the deletion of those clauses would be a first step, to be followed by the amendment of other provisions of the Charter that no longer reflected current realities.

76. Mr. BAYAR (Turkey), referring to the draft declaration on the enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security (A/49/33, chap. III, sect. B), said that despite the increasing importance of regional arrangements and organizations, the United Nations continued to play a crucial role in the maintenance of international peace and security. Its activities and those of regional arrangements and organizations should be mutually reinforcing and complementary. The Charter was abundantly clear on that point. Article 24, in particular, gave the Security Council, acting on behalf of the collective membership, the principal responsibility for the maintenance of international peace and security. It was therefore imperative not to envisage any form of devolution of authority from the Security Council to those regional organizations: only the United Nations could provide legitimacy to the action of regional organizations as far as the maintenance of peace and security was concerned, and such action should in no way prejudice the competence of the Security Council under the relevant articles of the Charter. In that respect, his delegation was pleased that the text of the declaration was fully consistent with the spirit and letter of the Charter, in particular Chapter VIII. The adoption by the General Assembly of the declaration should not be viewed as an end in itself but rather as an initial step in the search for a new collective security mechanism to be built on mutually reinforcing institutions in which all elements would have a role to play.

77. Turning to the question of assistance to third States adversely affected by the application of sanctions under Chapter VIII of the Charter (A/49/33, sect. A), he regretted that the Special Committee had not achieved any progress in that regard. Sanctions remained an important weapon at the disposal of the Security Council in the effective implementation of international law; however, the growing dissatisfaction of third countries adversely affected by their implementation must be taken into account, as without their cooperation those

sanctions would be ineffective. The efforts of the Council thus far to deal with the problems of the third States so affected had been very disappointing. In that context, his delegation was looking forward to receiving the Secretary-General's report requested by the Special Committee on that issue and hoped that it would adequately incorporate the proposals and suggestions, including the establishment of a special trust fund, made at the previous session of the Special Committee and would offer new perspectives which would help to narrow the differences in opinion among members on how best to address the issue of alleviating the economic burdens on third countries caused by sanctions.

78. The delegation of Guatemala should be commended for the document it had submitted entitled "United Nations Model Rules for the Conciliation of Disputes between States" (A/49/33, chap. IV, sect. A) and for the flexibility it had shown during the discussion on its proposal. Turkey attached the highest importance to securing the consent of all parties at every stage of the peaceful settlement of a dispute.

79. Ms. GOLAN (Israel) said that even if the Special Committee's achievements in the course of its 19 years of existence had been rather modest, the Committee was useful in that States could make proposals to it with a view to improving the functioning of the Organization.

80. With regard to the draft declaration on the enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security (A/49/33, chap. III, sect. B), her delegation wished once again to emphasize the importance of respecting the principles of universality and equality in regional arrangements or agencies; otherwise, the effectiveness of cooperation between the United Nations and those regional arrangements or agencies would be diminished. The draft declaration should be amended to specifically reflect those principles which had not always been fully implemented within the United Nations system as far as Israel was concerned. Elections within the United Nations system were generally based on geographical distribution in accordance with quotas allocated to each regional group. For many years, Israel had been prevented from being a member of a regional group, and for that reason had been unable to enjoy its full rights and assume all its duties as a Member of the United Nations. Her delegation therefore reiterated its proposal that the Special Committee should consider giving substance to the principles of the sovereign equality of States and the universality of the United Nations. In that respect, it should be noted that in "An Agenda for Peace", the Secretary-General had also referred to those principles by advocating democracy within the United Nations family and the need for the fullest participation and engagement of all States, large and small, in the work of the Organization.

81. Concerning the proposed United Nations Model Rules for the Conciliation of Disputes between States (A/49/33, para. 107), the new instrument, like other existing instruments for the peaceful settlement of disputes, should set forth non-restrictive rules which required the mutual consent of the States at every stage of the settlement of the dispute. It would also be preferable for the rules to leave it to the parties to choose the body to which they turned for

assistance. With respect to the text resulting from the first reading, her delegation suggested that the words in brackets in article 2 should be deleted and that the words "at the request of the parties concerned" should be added to the last sentence of article 7. Concerning article 14, paragraph 2, the specific agreements of the parties should be sought with regard to the use of expert advisers by the commission. As for article 23, in her delegation's view, it was up to the parties to decide what to do with and where to keep the documents of the proceedings.

The meeting rose at 6.10 p.m.